

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Nov 30, 2020**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Hermino Garcia Rojas Case Number: 0980 2:10CR02120-RMP-1

Address of Offender: Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: November 17, 2011

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 120 months Type of Supervision: Supervised Release  
TSR - 96 monthsRevocation Sentence: Prison - 12 months  
January 15, 2019 TSR - 84 monthsRevocation Sentence: Prison - 4 months  
May 4, 2020 TSR - 78 monthsRevocation Sentence: Prison - 2 months  
August 10, 2020 TSR - 76 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: September 25, 2020

Defense Attorney: Paul Shelton Date Supervision Expires: January 24, 2027

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**PETITIONING THE COURT**

To incorporate the alleged violations with the violations previously reported to the Court on November 16, 2020.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance3      **Mandatory Condition #1:** You must not commit another federal, state or local crime.**Supporting Evidence:** Mr. Rojas allegedly violated mandatory condition number 1 on November 24, 2020, by allegedly committing First Degree Assault with a Deadly Weapon, in violation of Revised Code of Washington (RCW) 9A.36.011 (1)(a); Yakima County Superior Court cause number 20-1-01972-39 (see narrative in violation 4, noted below).

On, September 18, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of mandatory condition number 1, as noted above.

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**Mandatory Condition #1:** You must not commit another federal, state or local crime.

**Supporting Evidence:** Mr. Rojas allegedly violated mandatory condition number 1 on November 24, 2020, by unlawfully possessing a firearm, in violation of RCW 9A.41.040(2); Yakima County Superior Court cause number 20-1-01972-39.

On September 18, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of mandatory condition number 1.

According to the Yakima Police Department (YPD) report for case number 20Y046180, the following occurred: On November 24, 2020, at approximately 6:15 a.m. YPD responded to the Economy Inn Motel located at 1405 North First Street in Yakima, Washington, to assist a gun shot victim.

YPD contacted the motel manger who reported there was a gun shot victim in the lobby of the motel. YPD spoke with the gun shot victim who had blood running down his neck. The victim had a laceration just above his right eye and had a 3 to 4 inch laceration on his left cheek.

The victim explained he let a female, later identified at Amanda L. Clark, borrow his jacket because it was cold and when he asked her to return his coat, they got into an argument. As the victim was arguing with Amanda L. Clark and unknown male, believed to be Mr. Rojas, started arguing with the victim about the coat. The victim turned around to walk away from the situation and he was shot in the head.

YPD reviewed the motel's video surveillance and observed the victim in an argument with a male subject in the parking lot of the motel. The victim walks away from the argument and the male subject walks up behind the victim pointing something at the victim. There was a flash of light and the victim falls down. The video then shows a male and female leave the location in a blue sedan before YPD arrived. The vehicle was identified as a blue 2009 Chevy Cobalt that Amanda L. Clark has been previously contacted in by YPD.

Motel staff provided guest records to YPD that Amanda L. Clark used her Washington State Driver's license to rent room 104. Additional video surveillance of the motel hallway was reviewed and YPD observed Amanda Clark exit room 104 with a male, who was immediately recognized as Mr. Rojas, prior to the argument and shooting in the parking lot.

YPD was unable to locate Mr. Rojas or Amanda Clark. On November 24, 2020, the Yakima County Superior Court issued a felony warrant for Mr. Rojas and he was arrested on November 29, 2020.

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**Mandatory Condition #1:** You must not commit another federal, state or local crime.

**Supporting Evidence:** Mr. Rojas allegedly violated mandatory condition number 1 on November 29, 2020, by unlawfully possessing a firearm, in violation of RCW 9A.41.040(1); Yakima County Superior Court cause number 20-1-02006-39.

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On September 18, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of mandatory condition number 1.

According to the YPD report for case number 20Y046715, the following occurred: On November 29, 2020, at approximately 12 a.m. YPD arrested Mr. Rojas in the 2300 block of West Birchfield Road in Yakima, Washington. Prior to Mr. Rojas being placed in custody, YPD had him pull up the sweatshirt he was wearing to expose the waistline of his pants. As Mr. Rojas pulled up his sweatshirt, YPD observed a pistol on his right hip tucked into his pants.

Mr. Rojas was placed into custody without incident and the firearm was removed from his waist. The firearm was a Smith and Wesson 9mm handgun bearing the serial number HSA3972. The firearm had a loaded magazine inserted, but there was not a bullet loaded into the chamber. YPD also located a second loaded firearm magazine in Mr. Rojas' front left pants pocket.

The U.S. Probation Office respectfully recommends the Court incorporate the alleged violations with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 30, 2020

s/Phil Casey

Phil Casey  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/30/2020

Date